

RECEIPT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 1672-0099

Application of: Camino et al.

Serial No. 10/056,909

Filed: January 25, 2002

Title: **Spacer Assembly for Use in Spinal Surgeries Having End Cap Which Includes Serrated Surface**

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REQUEST FOR CORRECTION TO FILING RECEIPT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on April 9, 2002

(Date of Deposit)

Paul J. Maginot

Name of person mailing Document or Fee

Paul J. Maginot

Signature of person mailing Document or Fee

April 9, 2002

Date of Signature

U.S. Patent and Trademark Office
Application Processing Division's
Customer Correction Branch
Washington D.C. 20231

Sir:

Please make the following correction to the Filing Receipt data relating to the patent application serial no. 10/056,909.

Domestic Priority data as claimed by applicant: The domestic priority data for the application should read as follows:

THIS APPLICATION IS A CON OF 09/591,530 06/09/2000
WHICH IS A CON OF 09/218,745 12/22/1998 PAT 6,086,613
WHICH CLAIMS BENEFIT OF 60/068,060 12/23/1997

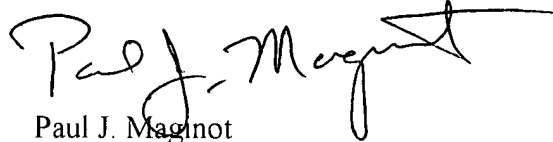
April 9, 2002

Page 2 of 2

A copy of the originally filed first page of the patent application is enclosed for your reference. A copy of the Filing Receipt with the change noted thereon is also enclosed for your reference.

Respectfully submitted,

MAGINOT, MOORE & BOWMAN

A handwritten signature in black ink, appearing to read "Paul J. Maginot", with a long horizontal flourish extending to the right.

Paul J. Maginot

Attorney for Applicants

Registration No. 34,984

April 9, 2002

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/056,909	01/25/2002	3732	740	1672-0099 (DEP-688)	10	12	3

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CONFIRMATION NO. 3044

FILING RECEIPT



OC000000007526844

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MAR 01 2002

MAGINOT, MOORE
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Date Mailed: 02/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Thomas S. Camino, Warsaw, IN;
John D. Malone, Beachwood, OH;

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Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/591,530 06/09/2000
WHICH IS A CON OF 09/218,745 12/22/1998 PAT 6,086,613
WHICH CLAIMS BENEFIT OF 60/068,060 12/18/1997 * 12/23/1997

~~(*) Data inconsistent with PTO records.~~

Foreign Applications

If Required, Foreign Filing License Granted 02/23/2002

Projected Publication Date: 06/06/2002

Non-Publication Request: No

Early Publication Request: No

Title

Spacer assembly for use in spinal surgeries having end cap which includes serrated surface

a 03/04/02

Preliminary Class

623

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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SPACER ASSEMBLY FOR USE IN SPINAL SURGERIES HAVING END CAP WHICH INCLUDES SERRATED SURFACE

Background and Summary of the Invention

This application is a continuation of co-pending Application Serial No. 09/591,530, filed on June 9, 2000, which in turn is a continuation of Application Serial No. 09/218,745, filed on December 22, 1998 (now U.S. Patent No. 6,086,613), which in turn claims the benefit of U.S. Provisional Application Serial No. 60/068,060, filed on December 23, 1997.

The present application relates to spinal instrumentation systems, more particularly to spacer assemblies for use in interbody fusion procedures of the spine. Most particularly, the present invention relates to end cap caps for use with spacers that are used in spinal surgeries.

There has been a gradual acceptance of interbody fusion as a procedure for a number of spinal disorders. Interbody fusion procedures employ the use of surgical mesh tubes, see for example "Chapter 10: Titanium Surgical Mesh for Vertebral Defect Replacement and Intervertebral Spacers", Gary L. Lowery and Jürgen Harms, *Manual of Internal Fixation of the Spine*, edited by John S. Thalgott and Max Aebi, Lippincoll-Raven Publishers, Philadelphia, 1996, which is incorporated herein by reference. The surgical mesh tubes are used to reinforce weak bony tissues in orthopaedic procedures and they act as a structural support for the spine. Moreover, a mesh pattern in the conventional surgical mesh tubes provides access for bone to grow and fuse within the tube. These surgical mesh tubes are often formed of titanium and are available in varying shapes and sizes. In addition, surgical mesh tubes can be trimmed on site by the surgeon to better provide an individual fit for each patient.

Internal rings, connector screws, and fenestrated end plates have been added to the surgical mesh tube. See, for example, "Titanium Surgical Mesh for Vertebral Defect Replacement and Intervertebral Spacers", Gary L. Lowery and Jürgen Harms, *Manual of Internal Fixation of the Spine*, edited by John S. Thalgott and Max Aebi, Lippincoll-Raven Publishers, Philadelphia, 1996. As discussed in the before mentioned article, conventional rings attach to the contoured mesh through the use of screws. The conventional rings strengthen the surgical mesh tube by acting as a



APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/056,909	01/25/2002	Thomas S. Camino	1672-0099 (DEP-688)

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CONFIRMATION NO. 3044



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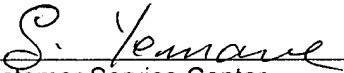
Date Mailed: 04/24/2002

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MAY - 1 2002
100 MAIL ROOM**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT****Claims, Fees, and Inventors**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).

- ☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- ☐ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- ☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- ☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- ☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- ☐ The docket number allows a maximum of 25 characters.
- ☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- ☒ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.



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